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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/705,766

11/10/2003

Larry B. Pearson

1033-MS1016

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03/17/2009

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,766

Applicant(s)

PEARSON, LARRY B.

Examiner

RASHA S. AL AUBAIDI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 02/25/2009. No claims have been added. No claims have been canceled. Claims 1, 5, 7, 11, 15, 17-19 and 22-24 have been amended. Claims 1-25 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPierre et al. (US PAT # 6,738,466) in view of Nguyen et al. (PGPUB US 2006/0104434) and further in view of Nassimi (Pub. No.: 2005/0047565).

Regarding claim 1, LaPierre teaches a method of providing a distinctive call tone based on a redirecting number (see col. 2, lines 38-42), the method comprising: receiving a call from an originating device (reads on telephone station 110, Fig. 2, see col. 4, lines 30-31) at a redirecting device (reads on telephone station 112, see col. 4, lines 36-39); forwarding the call from the redirecting device to a destination device, the forwarded call having an associated data message that includes a calling number of the originating device, a called number of the destination device, and a redirecting number

of the redirecting device; and applying a distinctive types of call tones to the destination device based upon the redirecting number.

LaPierre features are all addressed in the above rejection. LaPierre does not specifically teach applying a distinctive ring/tone to a call waiting. However, LaPierre discloses applying a distinctive ring to a call forwarding feature (i.e., when a call is redirected and forwarded). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a distinctive ring to "call waiting" feature, which is equivalent to applying a distinctive ring to a "call forwarding feature". The advantage of having a distinctive ring to either one or both of these features is to identify specific caller or specific number with that ring.

Also, LaPierre does not specifically teaches, "applying one of a plurality of a distinctive types".

However, Nguyen teaches in a system and method for caller control of a ring that a plurality of distinctive rings can be applied and corresponded to a plurality of a directory numbers [see paragraph 0004].

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of applying and assigning one distinctive call ring from a plurality of distinctive types, as taught by Nguyen, into the

LaPierre system in order to provide convince by identifying the one unique distinctive ring that is associated with certain redirecting number.

Neither Nguyen nor LaPierre alone or in combination teach that applying a call waiting tones to the destination device... wherein the destination device in use" and "wherein the destination device not in use".

However, Nassimi teaches that a single telephone line may receive calls, facsimiles...etc. Thus distinctive rings are applied to distinguish the call [0002 and 0015]. Nassimi present invention makes use of the distinctive ring signal and/or distinctive ring call waiting signal offered as a feature by many telephone service providers, to allow simultaneous use of the Internet and the call waiting features [0111].

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to incorporate the features of applying distinctive ring/call waiting, as taught by Nassimi, into the combination of LaPierre and Nguyen in order to distinguish each type of incoming call. Also, this can be used as well to assign a distinctive ring to certain individuals that will identify that individual. The claimed feature "device in use" reads on the device connected to the internet and ready to receive calls, facsimiles...etc [0002 and 0015]. The claimed feature "device not in use" is obvious inherent if not inherent in Nassimi.

Claims 2 and 11-12 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 3, 8, 9 and 13 “the redirecting number is compared to a set of authorized numbers in a distinctive call waiting tone activation list and wherein the distinctive type of call waiting tone is applied when the redirecting number is found within the set of authorized numbers”, see LaPierre col. 4, lines 4-24.

Regarding claims 4, 10, 14 and 21 recite “the associated data message compatible with an SS7 compatible network” (see LaPierre col. 3, lines 17-20).

Regarding claims 5-6 and 15-16, LaPierre system was implemented in an Advanced Intelligent Network (AIN). LaPierre does not specifically teach the method is implemented in VOIP or a PBX system. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the method implemented in any system desired system. This is a design choice relies on the need and the desire of Applicant. See LaPierre (col. 5, lines 63-67 and col. 6, lines 1-9).

For claim 7 limitations, see LaPierre col. 4, lines 49- 63. The claimed feature of “determining a usage status of a destination device” is obvious, since one of ordinary skill in the art can determine the status or the usage of any device based on the need and desire. This limitation will rise the invention to the level of patentability.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1. For the claimed intelligent network system, see LaPierre col. 1, lines 6-10, col. 2, lines 38-67, col. 3, and col. 4 and Fig. 1.

Claims 19 and 24 recite "the service switching point applies a distinctive call waiting tone to the destination subscriber communication device in response to evaluating the contents of the field to identify activation of the distinctive call waiting feature". See LaPierre col. 4, lines 64-67.

Claims 20 and 25 recite "the service switching point receives a call prior to sending the request message to the switching control point". See col. LaPierre 4, lines 40-42.

Claims 18, 22-23 are rejected for the same reasons as discussed above with respect to claim 1. The claimed "logic module" reads on the service package application (SPA), see col. 4, lines 49-57.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S. AL-Aubaidi/

Primary Examiner, Art Unit 2614